

Sixth Appellate District

San Jose, California

MONDAY, MARCH 30, 1998

H017468 PEOPLE v. JOSE DANIEL S.

The judgment is affirmed. Counsel's motion to withdraw is denied. (not published)  
(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)  
Filed March 30, 1998

H016637 PEOPLE v. SPEARS

By the Court\*:

Appellant's petition for rehearing is denied.  
Dated March 30, 1998 Cottle, P.J.  
\*Before Cottle, P.J., Bamattre-Manoukian, J., and Mihara, J.

TUESDAY, MARCH 31, 1998

H016745 FODEN v. GAVILAN COMMUNITY COLLEGE

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)  
Filed March 31, 1998

H016155 MARRIAGE OF ARCHER

The trial court's order filed September 12, 1996 is affirmed. Costs on appeal are awarded to father. (not published)  
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)  
Filed March 31, 1998

H017444 PEOPLE v. BROOKS

The judgment is vacated, and the matter is remanded to the trial court so that it may decide whether to impose consecutive or concurrent sentences. The trial court is further directed to strike the five-year enhancement imposed for defendant's second 1985 conviction. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)  
Filed March 31, 1998

H016384 PEOPLE v. PINKSTON

H018169 IN RE PINKSTON ON HABEAS CORPUS

The judgment is affirmed. The petition for habeas corpus is denied. (not published)  
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)  
Filed March 31, 1998

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Tuesday, March 31, 1998 (continued)

H015322 PEOPLE v. HAYES

We modify the judgment by striking the defendant's petty theft conviction. The trial court is directed to prepare a new abstract of judgment and forward it to the Department of Corrections. As so modified, the judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)  
Filed March 31, 1998

WEDNESDAY, APRIL 1, 1998

H016307 PEOPLE v. OKWARA, et al.

The judgment against defendant Okwara is affirmed. Defendant Ajawara's conviction for defrauding the telephone company (Count Nine) is reversed. The amount of restitution Ajawara was ordered to pay Exxon company is reduced to \$724.17. As modified, we affirm the judgment against Ajawara. The Clerk of the Superior Court is directed to modify the abstract of judgment to reflect these modifications. (not published)  
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed April 1, 1998

H014697 DUISTERMARS v. JACOBSEN

The judgment is reversed and with respect to the mixer, camera and wheelchair, the matter is remanded for further proceedings concerning them. Each party to bear their own costs. (not published)  
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed April 1, 1998

THURSDAY, APRIL 2, 1998

H015058 PEOPLE v. SMITH

(Filed order modifying opinion.) This modification does not affect the judgment. Appellant's petition for rehearing is denied. (not published)  
(Wunderlich, J.; Premo, Acting P.J.; Elia, J.)  
Filed April 2, 1998

FRIDAY, APRIL 3, 1998

H017789 CHRISTINA A. v. SUPERIOR COURT OF SANTA CLARA COUNTY;  
DEPT. OF FAMILY & CHILDREN'S SERVICES

The petition is denied. (not published)  
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)  
Filed April 3, 1998

Sixth Appellate District

San Jose, California

Friday, April 3, 1998 (continued)

H017369 BLISHEN v. THOMPSON

The order denying appellant's motion to set aside the dismissal is affirmed. Respondent shall be entitled to her costs on appeal. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed April 3, 1998

H017097 PEOPLE v. BROWN

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed April 3, 1998

H016081 PEOPLE v. GARCIA

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)

Filed April 3, 1998

H016861 ENSONIQ CORPORATION v. SUPERIOR COURT OF SANTA CLARA COUNTY; JON DATTORO

Let a peremptory writ of mandate issue, directing respondent superior court to (1) vacate its order of April 17, 1997, that the hearing on Dattoro's motion to return property will be held in conformance with the procedures outlined in McGraw, supra 100 Cal.App.3d 154; and (2) enter a new and different order granting the motion to return property and returning actual possession of the items seized pursuant to search warrant 96-038 to Dattoro. Each party to this writ proceeding is to bear his or its own costs. (not published)

(Cottle, P.J.; We concur: Premo, J., Bamattre-Manoukian, J.)

Filed April 3, 1998

H016223 PEOPLE v. MOLLER

H016643 IN RE LANE C. MOLLER on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied. (not published)

(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)

Filed April 3, 1998

H016214 PEOPLE v. PATTERSON

The judgment is affirmed. (not published)

(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)

Filed April 3, 1998

H018004 STEVEN E. v. THE SUPERIOR COURT OF SANTA CLARA COUNTY; DFCS, et al.

The petition for extraordinary writ is denied. (not published)

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(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)  
Filed April 3, 1998